

Good Morning. My name is Diane Zinsmaster. I wish I could tell you that I am happy to be here but I have to say I would rather have met you under different circumstances.

I am or maybe I'm supposed to say, I was Clifford Dick's daughter. My Dad was a 71 year old life long resident of Michigan. Was is the key word here.....my Dad is gone and I am here to be his voice and I hope you will listen to what I have to say. Although I knew being here would be hard, I know in my heart that it's the right thing to do for my Dad. Most people feel like a funeral is the last thing that they can do for their loved one, but I never felt that way. Since my Dad's accident I feel like I need to be his voice an advocate to try to make it so this will never happen to another person or to have another family feel like I feel every day now. I are here to speak regarding HB 5777 that was introduced by Representative Mike Lahti and I have a double vested interest in this. I hope after hearing our story that you will step forward and support Rep. Lahti's HB 5777 also. Please bare with me as I share this story, it may take a little bit of time but I will get through it. It seems like time is all I have left on some days.

On June 11, 2009 with one phone call, in an instant my family's life forever changed.

The message delivered by that phone call was absolutely devastating. It was to tell me that my Dad had been killed in an ATV accident while vacationing in the U.P. I literally had to ask three times, "Are you sure it's MY DAD?" After all I had JUST talked to my Dad the night before when he was packing and getting stuff ready to head to the U.P. He told me what all fun he planned to do while he was going to be up there. And nowafter receiving the call my head was just spinning in disbelief and I had to tell my family. I kept screaming into the phone for my sister to answer her phone and that it was an emergency! Then I had the worst job in the world of telling my kids and at the time that was the most difficult thing I had ever had to do in my life. Do you have any idea what it feels like to break your siblings and your kids' hearts? I know what it feels like first hand. Even as hard as I thought this was, little did I know what all I would have to face in the days, weeks and months to come. The irony of this is that my Dad's cabin is in Paradise, MI and that couldn't seem farther from the truth for my family now. My Dad loved being a Michigander and going to the U.P. He said it was breathtaking up there and he called it God's Country. I told him that they had black flies as big as hummingbirds up there and he'd joke back and tell me...."yeah aren't they great and how about the bears!"

Pops is dead because someone put up a cable across an easement or roadway and my Dad hit it when he was riding his 4-wheeler. The cable first struck him in the chest, then it moved up to his neck and then proceeded up his face and got caught in his mouth. The cable cut my Dad's face from ear to ear and then peeled upward. He wasn't on this 4-wheeler alone. Nor was he alone in the woods. A 12 year old grandson was sitting directly behind him and a 2nd 16 year old grandson was on a 2nd 4-wheeler riding immediately behind my Dad. Both my Dad and the 12 year old were knocked off the 4-wheeler. My Dad lay bleeding profusely on the ground. Within a matter of minutes, he bled to death. I am angry beyond words. My heart does not just ache for the loss of my Dad. It also aches in knowing what the grandsons witnessed on that day. This all happened within eyeshot of my Dad's cabin and my nephew ran back to my Dad's cabin to tell his Fiancée "come quick, Grandpa got hurt!" She is a retired nurse and she ran to his side, assessed his condition and held him in her arms knowing that there wasn't anything she could do to help him. Talk about a feeling of helplessness. That week while they were up north they were to set their wedding date. Instead she held her fiancée in her arms while he took his last breath and bled to death due to someone else's stupid careless decision. As hard as it is, I know in my heart that if this had to happen that day, than my Dad would have wanted it to be him and not one of the grandkids. If that would have happened, they would have taken 2 body bags out of the woods that day as my Dad would have never survived witnessing that.

The phone call notifying me of my Dad's death send numerous emotions such as shock, disbelief, and an overwhelming sadness. With the natural progression of life I always knew my Dad would pass away before us BUT never like this. We've been living a nightmare ever since then. My entire family lost one of the most important things in our life. There is no way to ever fill the void that we fill or make up for the loss. Pops is not replaceable. My heart immediately felt heavy and like I had the burden of the whole world placed on my shoulders. I started shaking and felt like I was going to throw up, it was hard to breath, or even think or function. I just could not believe that something like this could happen to anyone, especially not Pops. My Dad

was a lifelong resident of Michigan and he served in the United States Navy. He was a very proud and humble man and he certainly didn't deserve to die this way. I wouldn't wish this kind of death on anyone. My Dad was a very kind and caring man. He was a die hard Democrat and the UAW Local 503 President for many years. He took pride in helping others. If something was broken, he could fix it. As I stand before you today I ask myself WHO is going to fix this for my family? I can assure that the drive from Mendon, MI to Newberry, MI was the longest car ride of my lifeit sure seemed like it. After driving for over 7 hours, we got there shortly after 2:00 a.m. and were greeted by the Michigan State Police who told us the how, what, when, and where of the accident. It was devastating. I vaguely remember the State Trooper trembling as he told us the news and offered his sincere condolences. I asked where they had taken my Dad and they told me that he was taken to a funeral home in Newberry. I had to wait until 6:00 a.m. to call the funeral home and then I asked if I could come see my Dad. They told me no, due to the extent of the damages he sustained that they needed a couple hours to work on him to make him "presentable". Do you have any idea what it feels like to have someone tell you that about your loved one? I can tell you that it hurts more than any words you can ever imagine. We drove into Paradise and met the Investigating Officer who was first on the accident scene and he shared details with us. We then drove to Pops cabin, parked and walked the short distance to the accident site where my Dad had died just a couple hours before. My Dad's 4-wheeler was still in the exact place where it had landed and been left from the when the accident happened. The key was still in the ignition. There was yellow tape hanging around some trees. As we walked closer, I stopped and stood looking down I saw the spot where my Dad had laid and bled to death. There was no mistake that I was in the spot; I stood less than a foot away from where he bled to death. There was a huge pool of blood on the ground and I could see the outline of where his body had laid. The comb that my Dad always carried in his front shirt pocket lay in the pool of blood. That moment and memory will never leave my mind no matter how long I live. We didn't stay long because physically and emotionally we couldn't take it. We drove back to Newberry to the funeral home. When we got there we were greeted by the Funeral Home Director and even though it had been over 6 hours since I had talked to him on the phone, he told me that he couldn't allow us to see him in his condition and that the extent of the damage he received was worse than he had originally thought and therefore would require much more cosmetic work by our local funeral home director. I never got to see my Dad, so to me although I had been told that he had died, since I didn't get to see him....I just couldn't believe it. For us this was a whirlwind trip to the U.P. as we arrived at 2:00 a.m. and were leaving to head back home at 1:00 p.m. With empty hands and heavy hearts. It would be 3 long days before I'd get to see him and that was to make the decision on whether or not to allow an open casket or not. When we planned his funeral and made the arrangements we had to make special considerations due to the circumstances of his death. The side of my Dad's face that received the worst damage would be faced away from funeral attendees. We placed a handmade wooden table that my Dad had made for my sister, in front of the casket as that kept people back a "safe distance." Planning any funeral is bad enough but to have to take such factors such as these into considerations is something that no one should ever have to deal with during the loss of a loved one.

For the first 16 weeks after losing my Dad, I felt like a stalker every time I got my mail at home or went into the Post Office to get my Dad's mail. I secretly was hoping for and desperately wanting a card or something from the person they call "Defendant" – although I can assure you that I have other special names for him) I was merely looking for something as simple as a 99cent Hallmark card stating "sorry for your family's loss" nothing more, nothing less. 16 -18 – 20 -22 – to 30 weeks came and went and we heard absolutely nothing. To me that realization hurt just as much as the day that I received the phone call telling me Pops was gone. No acknowledgement at all felt like the same thing as saying that Pops life didn't matter. He didn't care that his actions had taken someone's life. What about that someone's family and how they were feeling? My Dad mattered and my family matters and I will not stand down from that belief that my Dad instilled in me from the time I was a little girl. Family IS the most important thing you will ever have. This has seemed like a very long road. 32 weeks and 4 days later an arrest warrant was issued. 33 weeks and 1 day after Pops death the Defendant turned himself in and was arraigned. This week will mark the 37th week since Pops has been gone. In my heart and my dreams I know I can't bring Pops back but if I can do anything to help ensure that no other family ever has to go through anything like what we have, we can at least take a bit of comfort from that. Our lives will never be the same. We have lost far more than you can ever imagine. This has deeply affected

everyone in my entire family. My 20 year old son has decided to put his dream of entering the police academy to become an officer on hold, my 17 year old daughter's senior year will forever be marred with the remembrance as the year that Grandpa died nor will he see/witness her being signed to play college softball, my 11 year old daughter couldn't show off her first broken bone and have Grandpa sign her, he didn't get to see her with the lead part as Marie in "Aristocats." My Dad would have been the first one to sign her neon orange cast and clapped the loudest in the audience after the play. My sister is now pregnant and that will be a grandbaby that my Dad never even got to see or hold. That Grandbaby will never even have the opportunity to see or meet his/her Grandpa. The bond that Pops shared with his kids and grandkids was immeasurable.

Even reflecting on this brings back a wave of emotions – it makes me physically sick. No one deserves to die this way and the plain and simple truth of it is that it didn't have to happen. It shouldn't have happened. If someone puts up a barrier no matter where it's at it should be clearly marked. For less than \$2.00 a roll you could purchase this neon orange tape. \$2.00 could have made all the difference in my Dad losing his life. Surely my Dad was worth far more than a piddly \$2.00. My husband and I are also land-owners. Never in a million years would we ever hang anything up that wasn't marked. To us, it has always seemed like common sense. We own a small 90 acre family farm and are members of Farm Bureau. Our property butts up to the river and has woods that have trails in them. We have people ride ATV's, snowmobiles and horses across our property. We have irrigation on our land and we have always marked the riser and all of our horse fences so anyone could clearly see them. We've marked them since long before my Dad's accident. I can't imagine not marking them.

There are many days when I struggle to get out of bed and function but I force myself each and every day to do just that because I have to lead by example for my children. I have to show them that we will get through this. I have to continue to represent my Dad in a manner that would pay honor to him. He deserves that and so much more. I also know that IF my Dad were here, he would tell you that he supports HB 5777 as we heard him share thoughts on people hanging things up like ropes and chains and would tell us that is SO STUPID! My Dad was the glue that held our family together. He was a great Dad, an awesome Grandpa, Brother, Uncle and friend. Dealing with the how and why of his death has often seemed like an unbearable task. It is extremely hard to know that my Dad bled to death in the middle of the woods. This tragic moment will forever be etched in the minds and hearts of everyone in my family and all of my Dad's friends. Since losing my Dad, I have also learned of 2 other Michigan family's that suffered a similar tragedy. One loss like this is one to many. My family has already been through so much and suffered enough, I hope you will act with your heart and do what you feel is right. Act swiftly and pass HB 5777. Do this in honor and remembrance for my Dad; Clifford Dick and for the others who have lost their lives tragically like this. When you do so, know that my family will be celebrating in this small victory to help make a difference for other Michigan families.

Thank you for listening & for your time today.